



WISCONSIN REGULATORY DIGEST

A Publication of the DEPARTMENT OF REGULATION AND LICENSING FOR PRIVATE SECURITY PERSONS

No. 1

February, 2003

Reminders to Private Security Personnel

1. You may not practice as a private security person until you have a permit. The Department advises employers to always insist on seeing the actual private security permit of a potential employee before putting the person to work. This has always been a problem.
2. You or your employer must notify the Department when you leave the employment of a private security company and either transfer to the employment of another private security company or cease working as a private security person.
3. If you receive a firearms permit from the Department, you may only carry a firearm while on duty and in uniform.

PRIVATE SECURITY ADVISORY COMMITTEE

Members of the Committee:

Dennis J. Brewer (East Troy)
Byron Bishop (Madison)
Edward Byrne (Green Bay)
Dejustice Coleman (Milwaukee)
Matt Elliott (Sheboygan)
Mark Harder (Milwaukee)
Mark Kirch (Wauwatosa)
James Mankowski (Madison)
James H. Martin (Madison)
William Meloy (Chief of Police, Saukville)
Mark Riesinger (Wauwatosa)
Shawn Smith (Madison)

Department Staff:

Donsia Strong Hill, Secretary
Christopher Klein, Executive Assistant

4. You may not carry a concealed weapon, unless you are a peace officer. If you violate this law, you can be charged with a Class A misdemeanor.

5. If you hold a firearms permit from the Department and carry a firearm while on duty as a private security person, you may not go armed in any building owned or leased by the state of Wisconsin or any political subdivision of the state. If you violate this law, you may be convicted of a Class B misdemeanor.

6. Ushers who do not have a private security permit may not have "security" on their uniform.

7. You must wear a uniform while on duty, except that a licensed private detective may provide private security in plain clothes.

8. When on duty, you must wear an ID or name tag that's clearly visible to the public.

Proposed Statutory Changes

In the last issue of the Regulatory Digest we told you about a number of statutory changes that were in the works. We were very disappointed that none of them made it all the way through the legislative process; however, we are preparing a course of action for the 2003 legislative session.

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Fingerprint Cards and FBI Reports

The Department has been concerned about this process for many months. The problem is that DRL does not receive criminal records reports from the FBI as quickly as necessary for immediate licensure. DRL has been searching for solutions to this problem. Recently, the FBI reviewed the statutes of state and local units of government that enable these entities to obtain FBI criminal records reports. The FBI subsequently informed DRL that Wisconsin's statute must be more explicit about the Department's need to obtain an FBI criminal record report. The FBI advised that the governing statute would have to be amended by May 1, 2003, or the FBI will cease providing criminal records reports to the Department until the law is changed. This has become a top priority for the next legislative session. Without FBI reports, the Department would have to rely solely on Wisconsin Crime Information Bureau Reports (CIB), and there would be a significant gap in obtaining criminal records of persons who have resided in other states. Meanwhile, DRL continues to explore improved electronic processing alternatives.

Private Security Advisory Committee

The Private Security Advisory Committee met on January 10, 2002, and November 14, 2002. The Committee made recommendations concerning the future use of the word "police" by security companies in their name, insignia or badges. The Committee approved a rule proposal relating to the approval of firearms certifiers (persons who give firearms training to private security persons). The Committee also recommended that the Department should try to change the law, so that all private security permits remain valid for the full two years and so that permits would be renewed on the permit anniversary date. Clete Hansen reminded the Committee that it had thoroughly discussed this issue with the Secretary and Deputy Secretary several years ago. The Secretary and the Deputy Secretary informed the Committee that the change could not be made at that time.

The Committee passed another motion, recommending that the rule relating to an exemption from the private security permit requirement for ushers and crowd control persons be repealed and that a new rule be created that would define "private security activity," so it would be clearer as to who must have a permit and who would be exempt.

Firearms Advisory Committee

The Firearms Advisory Committee met five times in 2002. Its primary focus has been to amend Chapter RL 34.04 of the Wisconsin Administrative Code, relating to the approval of firearms proficiency certifiers. These are persons who provide firearms training to private security personnel. The Committee has also attempted to create another level of approved persons who would provide firearms and defensive tactics instruction to the firearms proficiency certifiers. This additional level has become necessary, because the Wisconsin Training and Standards Board in the Department of Justice (DOJ) no longer grants approval to persons as firearms instructors if such persons do not train police officers. Therefore, some persons who had been approved by DOJ in the past and who were also approved by the Department as firearms proficiency certifiers are no longer eligible for approval by DOJ.

Carrying a Loaded Firearm in a Vehicle

Both the Firearms Advisory Committee and the Private Security Advisory Committee discussed the current statute and rules that permit a private security person to carry a loaded firearm in a vehicle when on duty and in uniform, and with the firearm in plain view. The two committees would like the rules to be clearer about either permitting or not permitting private security personnel to carry the firearm in their vehicle when driving to and from their home, when not in pay status. It remains to be seen whether this issue will be further explained in any rule revisions.

Disciplinary Actions

The disciplinary summaries are taken from orders that can be reviewed on the Department of Regulation and Licensing Web site: www.drl.state.wi.us. Click on "Publications" and then "Reports of Decisions" to view the order. Decisions reported below may have an appeal pending and the discipline may be stayed. The current status of the discipline may be viewed on the Department's Web Site under "License Lookup," by calling (608) 266-2112 or by checking the progress of cases in court at: www.courts.state.wi.us.

ROBERT R ANDERSON (Private Security Person)

MILWAUKEE, WI

PERMIT REVOKED

Convicted of Theft-Movable Property, a felony.

Dated 5-31-2002. Section 440.26(6)(b), Wis. Stat. Case #LS0205311RSG

ROBERT E WALLACE (Private Security Person)

MILWAUKEE, WI PERMIT REVOKED
Convicted of felony, Vehicle Operator Flee/Elude Traffic Officer; and Misdemeanor Operating While Intoxicated. Dated 9-5-2002. Wis. Stat. s. 440.26(5m)(a)2. Case #LS0209051RSG

JEREMIAH MCKENZIE (Private Security Person)

GREEN BAY, WI PERMIT REVOKED
Convicted of felony, two counts. Manufacture/Deliver Cocaine. Dated 8-20-2002. Wis. Stat. s. 440.26(5m)(a)2. Case #LS0208203RSG

MICHAEL F LENTZ, II (Private Security Person)

SAUKVILLE, WI PERMIT REVOKED
Convicted of 2nd Degree Sexual Assault of Child, a felony. Convicted of Operating While Revoked, a misdemeanor. Dated 8-20-2002. Wis. Stat. s. 440.26(5m)2. Case #LS0208202RSG.

LENG XIONG (Private Security Person)

MILWAUKEE, WI PERMIT SURRENDERED
Convicted of a misdemeanor charge of impersonating a peace officer. Convicted of a misdemeanor charge of disorderly conduct. Did not report these convictions to the department. Dated 10-7-2002. RL 35.01 (2), Wis. Admin. Code. Sec. 440.26(4m)(b), Wis. Stats. Case #LS0210075RSG

ISAIAS E MARES (Private Security Person)

KENOSHA, WI SURRENDER
Convicted of three charges of Theft-Movable Property (Party to a Crime). Did not report these convictions to the department. Dated 8-13-2002. Sec. 440.26(4m)(b), Wis. Stat. Sec. RL 35.01(2). Case #LS0208132RSG

NICHOLAS M. GIMINO (Private Security Person)

FRANKSVILLE, WI SURRENDER
Convicted of one count of misdemeanor Criminal Trespass to Dwelling; one count of misdemeanor Criminal Damage to Property; and one count of misdemeanor Theft. Dated 10-30-2002. Sec. RL 35.01(2), Wis. Admin. Code. Case #LS0210301RSG

GREGORY J MARTIN

EAU CLAIRE, WI LIMITED
Convicted on his plea of no contest of disorderly conduct. Granted a limited permit to practice as a private security person for two years. Dated 5-21-2002. Case #LS0204111RSG

CHRISTOPHER BAKER (Private Security Person)

FAYETTEVILLE, NC PERMIT REVOKED
Convicted of multiple crimes including felonies in the state of North Carolina, such as Felony-Possession of Cocaine with Intent to sell/deliver. Dated 10-23-2002. Sec. 440.26(5m)(a)2., Wis. Stat. Case #LS0210233RSG

THOMAS A. BOWLIN (Private Security Person)

WEST ALLIS, WI PERMIT REVOKED
Convicted of Burglary and Attempted Burglary, a felony. Dated 11-13-2002. Sec. 440.26(5m)(a)2., Wis Stat. Case #LS0211133RSG

HEATH E COLSTAD (Private Security Person)

POYNETTE, WI PERMIT REVOKED
Convicted of Disorderly Conduct and Bail Jumping, both misdemeanors. Dated 4-8-2002. Sec. 440.26(4m)(b), Wis. Stat. Case #LS0204083RSG

ROBERT CLARK (Private Security Person)

MADISON, WI PERMIT REVOKED
Convicted of Attempted Burglary, a felony. Dated 11-13-2002. Sec. 440.26(5m)(a)2., Wis. Stat. Case #LS0211132RSG

PROFFITT CROSS (Private Security Person)

MILWAUKEE, WI PERMIT REVOKED
Convicted of Felon Possession Use Weapon/Firearm, a felony. Dated 6-24-2002. Sec. 440.26(5m)(a)2., Wis. Stat. Case #LS0206241RSG

DONALD E JOHNSON (Private Security Person)

LOS ANGELES, CA PERMIT REVOKED
Convicted of Breaking and or Entering; Larceny after Breaking and Entering, a felony. Dated 10-23-2002. Sec. 440.26(5m)(a)2., Wis. Stats. Case #LS0210234RSG

RONALD D STEELE (Private Security Person)

MINOCQA, WI PERMIT REVOKED
Convicted of Assault 4th Degree, a felony. Dated 6-24-2002. Sec. 440.26(5m)(a)2., Wis. Stat. Case #LS0206242RSG

Department of
Regulation and Licensing
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To check the status of a pending application:	press 1 - 2
To discuss application questions:	press 1 - 3
To discuss temporary license questions:	press 1 - 3
To renew or reinstate a permanent license:	press 1 - 4
To renew or reinstate a permanent license:	press 2 - 1
To renew a temporary license:	press 2 - 2
To obtain proof of licensure to another state:	press 3 - 1
To find out if a person is licensed:	press 3 - 2
To file a complaint on a license holder:	press 8
To check the status of complaints:	press 8
For all other licensing questions:	press 1 - 3

VERIFICATIONS

Verifications are now available online at www.drl.state.wi.us. On the Department Web site, please click on "License Lookup". If you do not use the online system, all requests for verification of licenses/credentials must be submitted in writing. There is no charge for this service. Requests should be sent to the Department address or may be faxed to (608) 261-7083 - ATTENTION: VERIFICATIONS. Requests for endorsements to other states must be made in writing – please include \$10 payable to the Department.

DID YOU KNOW THAT YOU CAN ACCESS MOST INFORMATION ON THE DEPARTMENT OF REGULATION & LICENSING WEB SITE?

Visit the Department's Web site at:

www.drl.state.wi.us

Send comments to: web@drl.state.wi.us

CHANGE OF NAME OR ADDRESS?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided. **WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**

WISCONSIN STATUTES AND CODE

Copies of the Wisconsin Statutes and Administrative Code relating to Private Security can be ordered through the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28.